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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

VANDERPUYE, KENNETH N

ART UNIT PAPER NUMBER

2661

DATE MAILED: 01/14/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,118

Applicant(s)

ROBERTS ET AL.

Examiner

Kenneth N Vanderpuye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 20-33 is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 19 is/are rejected.
- 7) ☒ Claim(s) 2-9 and 12-18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 10 are rejected under 35 U.S.C. 102(e) as being anticipated by

Thomasson(6,205,473).

Claim 10 is rejected because Thomasson teaches a satellite data delivery system(Fig. 1) including:

a satellite transmitting signals(Fig. 1, satellite); and a downlink receiver for receiving signals from a satellite(Fig. 1, server), said downlink receiver including and integrated satellite receiver(Fig. 2,) and router(Fig. 2, router), wherein said signals are TCP/IP packets(TCP/IP packets are processed by the protocol stack Fig. 2) and said TCP/IP packets are routed by said integrated satellite receiver and router(Fig. 2@server, router), and wherein said signals maybe stored as files in said integrated receiver/router for later further transmission(Fig. 5@506).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al.(6,201,536) in view of Stewart et al.(5,930,708)

With regards to claim 1, Hendrick teaches a satellite reception system(Fig. 1, receiver 222 /headend 208) including: a downlink receiver for receiving signals from a satellite(Fig. 1@222), wherein said signals are stored as files in said integrated satellite receiver(Fig. 1@215, file server stores programs). In Hendricks the stored programs are later transmitted to set-top terminal over a concatenated cable system. However Hendricks suggests that other networks can be used such as ATM networks using ATM routers(col. 7 lines 8-14). What Hendricks fails to teach is said downlink including an integrated satellite receiver and router. Stewart teaches a headend with a router for routing calls to subscribers. It would have been obvious to one of ordinary skill in the art to include the router in Stewart in the headend in Hendricks for the purpose of routing stored programs to subscribers over an ATM network. The motivation being to use a broadband multimedia protocol such ATM to route stored programs to subscribers over an ATM infrastructure.

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5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Birdwell et al(6,172,972) in view of Stewart et al(5,930,708)

Claim 19 is rejected because Birdwell teaches a TCP/IP compatible satellite transmission system including:

a multiplexer for receiving, multiplexing, and outputting multiplexed TCP/IP packets without separating said packets(Fig. 2@74, col. 4 lines 37-50), an uplink for transmitting said multiplexed TCP/IP packets to a satellite(Fig. 2), a satellite for receding said multiplexed TCP/IP packets from said uplink and transmitting said TCP/IP packets to a downlink(Fig. 2@42), demultiplexing and outputting said TCP/IP packets without reconstructing said packets(inherently taught because a multiplexed signal has to be demultiplexed). What Birdwell fails to teach is a downlink for receiving said TCP/IP packets to an integrated satellite receiver and router. Stewart teaches a satellite receiver/router(Fig. 2). It would have been obvious to combine router in Stewart with the receiver in Birdwell for the purpose of routing video data to selected subscribers. The motivation being to implement selective broadcast mechanism.

Allowable Subject Matter

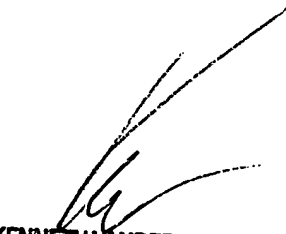
6. Claims 11, 20-33 are allowable

7. Claims 2-9, 12-18, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Vanderpuye whose telephone number is (703) 308-7828. The examiner can normally be reached on M-F from 6:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms, can be reached on (703) -305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.



KENNETH VANDERPUYE
PRIMARY EXAMINER

Kenneth Vanderpuye

January 11, 2004